



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON YONGSAN
UNIT #15333
APO AP 96205-5333

IMYN-EE

US ARMY GARRISON YONGSAN POLICY LETTER 13-3

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Garrison Yongsan Policy Letter 13-3 Commander's Policy on the Right of Individuals to File Complaints of Discrimination and the Use of Alternative Dispute Resolution.

1. This policy is effective immediately. It remains in effect until rescinded or superseded.
2. References:
 - a. AR 690-12, Equal Employment Opportunity and Affirmative Action, 4 March 1988.
 - b. AR 690-600, Equal Employment Opportunity Discrimination complaints, 9 February 2004.
 - c. Department of the Army Memorandum on Procedures for Providing Reasonable Accommodation for Individuals with Disabilities, 19 March 2009.
 - d. 29 Code of Federal Regulations, Part 1614, Federal Sector Equal Employment Opportunity.
3. This policy applies to Army civilian employees, applicants for employment, former employees and certain contractor personnel serviced by the USAG Yongsan Equal Employment Opportunity Office.
4. Anyone who believes he or she has been discriminated against because of race, color, religion, sex, national origin, age (40+), physical/mental disability, GINA, and/or reprisal in an employment matter, including violation of the Equal Pay Act (EPA) subject to the control of the Army, may file a complaint of discrimination.
5. When complaints arise, we must work to resolve them fairly and promptly. I am personally committed to and support the enforcement of Equal Employment Opportunity principles.
6. The preferred method of Alternative Dispute Resolution (ADR), within the Department of the Army is facilitated mediation with a qualified ADR neutral. The use of

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ADR is not appropriate in every case. The Commander or designee, preferably the EEO officer, will decide on a case-by-case basis whether it is appropriate to offer ADR to an aggrieved individual. Managers and supervisors will generally participate in ADR, if requested by an aggrieved employee and subsequently determined appropriate for mediation by the commander or her designee.

7. USAG Yongsan is firmly committed to the use of alternative methods for resolving disputes were appropriate and feasible. The purpose of ADR is to offer disputing parties an opportunity to openly express their positions and interests in resolving disputes in a mutually satisfactory fashion. The ADR process, especially when used at the earliest stage, can help restore working relationships and may serve as a preventative measure against future disputes. If mediation is not offered the aggrieved will have the option of processing his/her EEO allegations through traditional EEO counseling.

8. Leaders will ensure everyone cooperates fully with individuals who are processing EEO complaints of discrimination to include ADR facilitators/mediators, EEO counselors, Army representatives, EEO staff, investigators, or administrative judges. These individuals will be free from restraint, interference, harassment, coercion, discrimination, or reprisal in connection with the performance of these duties.

9. Procedures.

a. Before a formal complaint can be filed, the individual must first present the matter(s) to an Equal Employment Opportunity (EEO) official for the purpose of making an initial determination as to the proper venue and to advise the individual on various matters, including the availability of ADR. In those cases in which ADR is offered, the individual may choose between ADR and the traditional, pre-complaint counseling process. The matter(s) must be presented within 45 calendar days from the date of the matter giving rise to the complaint: the effective date of the personnel action; or the date the aggrieved became aware, or reasonably should have become aware of the discriminatory event or personnel action.

b. Mediation (ADR) and Traditional EEO counseling are designed to foster early resolution of an aggrieved person's allegations. If resolution is not reached, a formal complaint may be filed within 15 calendar days from the date of receipt of the Notice of Right to File a Complaint of Discrimination. The complaint must contain a statement signed by the complainant or his/her attorney describing in detail the actions, practices, or issues giving rise to the complaint.

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9. The proponent for this policy is the USAG Yongsan EEO Office, (315) 738-2980/4085.



MARIA P. EOFF
COL, LG
Commanding

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